



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Yasuhisa FUKUDA

Appln. No. 09/899,988

Confirmation No.: 5162

Filed: July 09, 2001

Docket No: Q65356

Group Art Unit: 2152

Examiner: Unknown

For: METHOD AND SYSTEM FOR PROVIDING NETWORK HOME DELIVERY SERVICE, AND STORAGE MEDIUM STORING A PROGRAM FOR EXECUTING THE METHOD

INFORMATION DISCLOSURE STATEMENT  
UNDER 37 C.F.R. §§ 1.97 and 1.98

Commissioner for Patents  
Washington, D.C. 20231

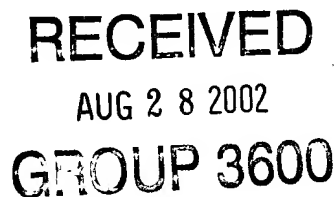
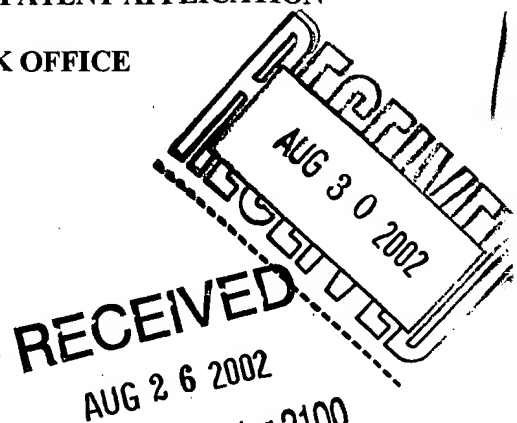
Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, Applicant hereby notifies the U.S. Patent and Trademark Office of the documents which are listed on the attached PTO/SB/08 A & B (modified) (substitute for PTO Form 1449) form and/or listed herein and which the Examiner may deem material to patentability of the claims of the above-identified application.

One copy of each of the listed documents is submitted herewith.

1. Japanese Unexamined Patent Application Publication No. 10-97576, published April 14, 1998.
2. Japanese Unexamined Patent Application Publication No. 11-296581, published October 29, 1999.
3. Japanese Unexamined Patent Application Publication No. 11-282908, published October 15, 1999.

The present Information Disclosure Statement is being filed: (1) No later than three months from the application's filing date for an application other than a continued prosecution application (CPA) under



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9-03-02

Yasuhisa FUKUDA  
09/899,988  
INFORMATION DISCLOSURE STATEMENT

§1.53(d); (2) Before the mailing date of the first Office Action on the merits (whichever is later); or (3) Before the mailing date of the first Office Action after filing a request for continued examination (RCE) under §1.114, and therefore, no Statement under 37 C.F.R. § 1.97(e) or fee under 37 C.F.R. § 1.17(p) is required.

In compliance with the concise explanation requirement under 37 C.F.R. § 1.98(a)(3) for foreign language documents, Applicant encloses herewith a copy of a corresponding Japanese Office Action dated July 2, 2002 and an English translation of the pertinent portions thereof, which cites and indicates the degree of relevance found by the foreign patent office.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

Respectfully submitted,



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Date: **AUG 23 2002**

Substitute for Form 449 A &amp; B/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Complete if Known

|                        |                 |
|------------------------|-----------------|
| Application Number     | 09/899,988      |
| Confirmation Number    | 5162            |
| Filing Date            | July 09, 2001   |
| First Named Inventor   | Yasuhisa FUKUDA |
| Art Unit               | 2152            |
| Examiner Name          | Unknown         |
| Attorney Docket Number | Q65356          |

Sheet

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of

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**U.S. PATENT DOCUMENTS**

| Examiner Initials* | Cite No. <sup>1</sup> | Document Number |                                      | Publication Date<br>MM-DD-YYYY | Name of Patentee or Applicant of Cited Document |
|--------------------|-----------------------|-----------------|--------------------------------------|--------------------------------|---|
|                    |                       | Number          | Kind Code <sup>2</sup><br>(if known) |                                |   |
|                    |                       | US              |                                      |                                |   |
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**FOREIGN PATENT DOCUMENTS**

| Examiner Initials* | Cite No. <sup>1</sup> | Foreign Patent Document   |                     |                                      | Publication Date<br>MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Translation <sup>6</sup> |
|--------------------|-----------------------|---------------------------|---------------------|--------------------------------------|--------------------------------|---|--------------------------|
|                    |                       | Country Code <sup>3</sup> | Number <sup>4</sup> | Kind Code <sup>5</sup><br>(if known) |                                |   |                          |
|                    |                       | JP                        | 10-97576            | A                                    | 04/14/1998                     |   |                          |
|                    |                       | JP                        | 11-296581           | A                                    | 10/29/1999                     |   |                          |
|                    |                       | JP                        | 11-282908           | A                                    | 10/15/1999                     |   |                          |
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**OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS**

| Examiner Initials* | Cite No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city, and/or country where published. | Translation <sup>6</sup> |
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GROUP 3600

Examiner Signature

Date Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov), MPEP 901.04 or in the comment box of this document. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST. 3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to indicate here if English language Translation is attached.

## &lt;Reason 1&gt;

The inventions as per Claims 1 through 5 of this application could have been easily invented by a person having ordinary knowledge in the technical field of the invention prior to the filing of this application based on the inventions described in the publications indicated below, which had been distributed in Japan or abroad prior to the filing of this application, and therefore cannot be patented as per the stipulations of Article 29, Section 2 of the Patent Law.

## Description

1. Japanese Unexamined Patent Application Publication H10-97576
2. Japanese Unexamined Patent Application Publication H11-296581
3. Japanese Unexamined Patent Application Publication H11-282908

## Remarks:

The aforementioned Publication 1 describes accepting a request for home delivery from a sender via a network and delivering based on preferred delivery time slot instructions from the recipient.

Although the invention described in the aforementioned Publication 1 is constituted such that the sender's address information, etc. is prerecorded, and the pickup location is specified by entering a telephone number, making the constitution such as to have the sender's address information, etc. be directly entered when the pickup request is made, this is a feature that can commonly be employed by persons skilled in the art (cf. for instance aforementioned Publication 2).

Moreover, determining the route schedule based on postal codes is a technique well known to persons skilled in the art, as described for instance in aforementioned Publication 3, and performing the scheduling of pickups and deliveries based on postal codes is a feature that can be suitably employed by persons skilled in the art.

## &lt;Reason 2&gt;

The inventions described in the following claims of this application do not meet the requirements stipulated in the introductory clause of Article 29, Section 1 of the Patent Law, and therefore cannot be patented.

## Description

While the "method for net home delivery service" as set forth in Claim 1 describes the use of terminal devices, host computer and communication network, it substantively defines the procedure of home delivery service, and as a whole does not utilize laws of nature.

Therefore, the "method for net home delivery service" as set forth in Claim 1 does not correspond to an "invention" under the Patent Law, which stipulates the requirement that an invention be a creation of technical ideas by which the laws of nature are utilized.

## &lt;Reason 3&gt;

The Scope of Patent Claims of this application does not meet the requirements of Article 36, Section 6, Paragraph 2 of the Patent Law in the following respects.

#### Description

Regarding the "computer readable recording medium" described in Claims 3 through 5, the relationship between the "terminal device possessed by senders", "terminal device possessed by recipients" and "host computer possessed by the home delivery service provider" that constitute the "net home delivery service system" and the steps that constitute the "home delivery service program" is unclear, and furthermore the relationship between the "computer readable recording medium" and the "home delivery service program" and "net home delivery service system" is also unclear.

Therefore, the inventions as per Claims 3 through 5 are not clear.